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Attorneys for Plaintiff CAROL LESH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CAROL LESH, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

CABLE NEWS NETWORK, INC.,

Defendant.

Case No. 3:24-cv-01320-JD

(Removed from Alameda Superior Court
Case No. 23CV061464)

**JOINT STIPULATION TO TRANSFER
CASE TO THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK AND EXTEND
DEFENDANT'S TIME TO ANSWER,
MOVE OR OTHERWISE RESPOND;
[PROPOSED] ORDER**

Dept.: Courtroom 11 – 19th Floor
Judge: Honorable James Donato

1 Pursuant to Civil Local Rule 7-12 and 28 U.S.C. § 1404, and subject to the Court's approval,
2 Plaintiff Carol Lesh ("Plaintiff") and Defendant Cable News Network, Inc. ("Defendant") (Plaintiff and
3 Defendant together, the "Parties") stipulate and agree as follows:

4 WHEREAS, under 28 U.S.C. § 1404(b), "[u]pon motion, consent or stipulation of all parties, any
5 action, suit or proceeding of a civil nature or any motion or hearing thereof, may be transferred, in the
6 discretion of the court, from the division in which pending to any other division in the same district."

7 WHEREAS, Plaintiff's claim arises out of her alleged use of the CNN website. Compl. ¶ 82.

8 WHEREAS, CNN contends that specific personal jurisdiction exists in the Southern District of
9 New York because the Terms of Use on the CNN website contain a forum selection clause which
10 provides that "[a]ny dispute that is not subject to arbitration under Section 12 (Dispute Resolution) of
11 this Agreement, or any issues involving arbitrability or enforcement of provisions under Section 12, shall
12 be brought in the appropriate state or federal court located in New York County, New York." CNN,
13 *Terms of Use*, <https://www.cnn.com/terms0>.

14 WHEREAS, Plaintiff contends she did not have notice of or consent to CNN's Terms of Use on
15 the CNN website, but nonetheless finds it convenient to litigate this action in the Southern District of
16 New York because her lead counsel maintains an office in New York City.

17 WHEREAS, the Parties have agreed to transfer venue of this action from the United States
18 District Court for the Northern District of California to the United States District Court for the Southern
19 District of New York.

20 WHEREAS, the Parties further agree that Defendant shall have thirty days from the date transfer
21 to the United States District Court for the Southern District of New York is complete to answer, move,
22 or otherwise respond to the Complaint in the United States District Court for the Southern District of
23 New York, and the Parties request that all other deadlines for the above captioned matter pending in the
24 Northern District of California are vacated.

25 THEREFORE, the Parties stipulate as follows:

26 1. The above captioned matter should be transferred to the United States District Court for
27 the Southern District of New York.

2. Defendant shall have thirty days from the date transfer to the United States District Court for the Southern District of New York is complete to answer, move, or otherwise respond to the Complaint in the United States District Court for the Southern District of New York.

3. All other deadlines for the above captioned matter pending in the Northern District of California are vacated.

IT IS SO STIPULATED.

Dated: April 11, 2024

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

By: /s/ David R. Singh

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Attorneys for Defendant CABLE NEWS
NETWORK, INC.

Dated: April 11, 2024

Respectfully submitted,

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By: /s/ L. Timothy Fisher

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1

I, David R. Singh, am the ECF User whose ID and password are being used to file the foregoing. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that L. Timothy Fisher concurred in this filing, and I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party.

Dated: April 11, 2024

/s/ David R. Singh
DAVID R. SINGH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CAROL LESH, individually and on behalf of all
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CABLE NEWS NETWORK, INC.,

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**[PROPOSED] ORDER GRANTING JOINT
STIPULATION TO TRANSFER CASE TO
THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW
YORK AND EXTEND DEFENDANT'S
TIME TO ANSWER, MOVE OR
OTHERWISE RESPOND**

PURSUANT TO STIPULATION, IT IS SO ORDERED. This matter is transferred to the United States District Court for the Southern District of New York. Defendant shall have thirty days from the date transfer to the United States District Court for the Southern District of New York is complete to answer, move, or otherwise respond to the Complaint in the United States District Court for the Southern District of New York. All other deadlines for the above captioned matter pending in the Northern District of California are vacated.

Dated: _____

HONORABLE JAMES DONATO
United States District Judge